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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Approved for use through 08/30/03. OMB 0651-0031

PTO/SB/21 (08-03)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission
(excluding references)

32

Application Number

09/872,135

Filing Date

May 31, 2001

First Named Inventor

Brandon James Yoe et al.

Group Art Unit

3749

Examiner Name

Camtu Tran Nguyen

Attorney Docket Number

50623.168

ENCLOSURES (check all that apply)

- ☒ Deposit Account 07-1850 Authorization
- ☒ Postage Paid Return Postcard
- ☒ Response and Exhibits A-C (25 pages)
- ☐ Amendment Transmittal Letter (in duplicate)
- ☐ Affidavits/declaration(s)
- ☒ Petition for Extension of Time (1 month) (in duplicate)
- ☐ Information Disclosure Statement (in duplicate) with Form PTO-1449 and ___ References
- ☒ Express Mail Label No. EV337972594US
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s) In/Formal ___ Sheets with Submission of Drawings Transmittal
- ☐ Issue Fee Transmittal with PTO-85b (in duplicate)
- ☒ Request for Continued Examination Transmittal (RCE)
- ☒ Fee Transmittal Form (in duplicate)
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) ___

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Request for Status of Application
- ☒ Other Enclosure(s) (please identify below):
 - Statement of Common Ownership (Malik et al.)(1 page)
 - Statement of Common Ownership (Tang et al.)(1 page)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Paul J. Meyer, Jr.
Squire, Sanders & Dempsey L.L.P.
Reg. No. 47,791

Signature

Date

12/15/03

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV337972594US in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name Leslie Mills

Signature

Leslie Mills

Date

December 15, 2003

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TECHNOLOGY CENTER R2700

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TECHNOLOGY CENTER R3700

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST
FOR

CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Address to:
Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/872,135
Filing Date	May 31, 2001
First Named Inventor	Brandon James Yoe et al.
Art Unit	3749
Examiner Name	Camtu Tran Nguyen
Attorney Docket Number	50623.168

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. 1.114

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. Enclosed

i. ☒ Response

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS) w/XX references

iv. ☒ Other Exhibits A-C (3 sheets)

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-1850

i. ☒ RCE fee required under 37 C.F.R. 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Paul J. Meyer, Jr.	Registration No. (Attorney/Agent)	47,791
Signature		Date	December 15, 2003

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail No. EV3379725594US in an envelope addressed to: Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print /Type)	Leslie Mills	Date	December 15, 2003
Signature			

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PTO/SB/17 (11/01) (modified)
 Approved for use through 10/31/2002, OMB 0651-0032
 Patent and Trademark Office, US DEPARTMENT OF COMMERCE

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$1286.00)

Complete if Known

Application Number	09/872,135
Filing Date	May 31, 2001
First Named Inventor	Brandon James Yoe et al.
Group Art Unit	3749
Examiner Name	Camtu Tran Nguyen
Attorney Docket Number	50623.168

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to:

- ☒ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account.¹
- ☐ Applicant claims small entity status. See 37 CFR 1.27.

Deposit Account Number: 07-1850

Deposit Account Name: Squire, Sanders & Dempsey

A Duplicate Copy of this authorization is attached

2. ☐ Payment Enclosed:
☐ Check ☐ Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	
147/\$2,520	147/\$2,520	For filing a request for reexamination	
115/\$110	215/\$55	Extension for response within first month [†]	110
116/\$400	216/\$200	Extension for response within second month [†]	
117/\$920	217/\$460	Extension for response within third month [†]	
118/\$1,440	218/\$720	Extension for response within fourth month [†]	
128/\$1,960	228/\$980	Extension for response within fifth month [†]	
119/\$320	219/\$160	Notice of Appeal	
141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application	
142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)	
143/\$460	243/\$230	Design Issue Fee	
122/\$130	122/\$130	Petitions to the Commissioner	
123/\$50	123/\$50	Petitions related to provisional applications	
126/\$180	126/\$180	Submission of Information Disclosure Statement	
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	
146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))	
179/\$740	279/\$370	Request for Continued Examination (RCE)	770

Other fee (specify):

Other fee (specify):

SUBTOTAL (3) (\$ 880)

FEE CALCULATION (fees effective 10/1/01)

1. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$770	201/\$370	Utility Filing	
106/\$330	206/\$165	Design Filing	
108/\$740	208/\$370	Reissue	
114/\$160	214/\$80	Provisional Filing	

SUBTOTAL (1)

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$86	202/\$42	Independent claims in excess of 3
104/\$280	204/\$140	Multiple dependent claim
109/\$86	209/\$42	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

(Col. 1)		(Col. 2)		(Col. 3)		Fee Due	
For	No. of Existing Claims	minus*	Highest No. Previously Paid For	=	Extra**	x	Fee
TOTAL	76	minus*	63 or	=	13	x	\$18 = \$234
INDEP	16	minus*	14 or	=	2	x	\$86 = \$172
[] First presentation of multiple dependent claim							= 0

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) (\$ 406)

SUBMITTED BY

Typed or Printed Name

Paul J. Meyer, Jr.

Complete (if applicable)

Reg. Number

47,791

Signature

Date

December 15, 2003



50623.168

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Camtu T. Nguyen

Yoe et al.

Serial No.: 09/872,135

Art Unit: 3749

Filed: May 31, 2001

Title: Radiation or Drug Delivery Source With Activity Gradient To Minimize Edge Effects

TECHNOLOGY CENTER R3700

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF COMMON OWNERSHIP

Dear Examiner Nguyen:

At the time the invention of the current application (USSN 09/872,135) was made, the inventions of the current application and Malik et al (U.S. Patent No. 6,504,307) were owned by, or subject to an obligation of assignment to, Advanced Cardiovascular Systems, Inc., a California corporation.

Date: December 15, 2003

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 954-0200
Facsimile (415) 393-9887

Respectfully submitted,

Paul J. Meyer, Jr.
Attorney for Applicants
Reg. No. 47,791